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January 25, 2003

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street S.W. -- The Portals
Washington, DC 20554

RE: Interaction Between “Amber Alert” and FCC Docket 99-325 (IBOC Radio)

Dear FCC Commissioners and Commission Staff:

THE AMHERST ALLIANCE and 36 other parties wish to bring to your attention an *important, and directly relevant, NEW development*. We urge the Commission to take this new development into account in its deliberations on various pending challenges to the October 11, 2002 Order in Docket 99-325.

The Order in question has authorized “interim”, essentially unregulated broadcasts using In Band On Channel (IBOC) Digital Radio. The pending legal challenges to this Order are the October 25, 2002 Petition For Reconsideration by THE AMHERST ALLIANCE and 35 other parties (all signatories of this letter) ... the December 10, 2002 Petition For Reconsideration by GLEN CLARK & ASSOCIATES ... and the January 13, 2003 Motion To Dismiss by JOHN PAVLICA, JR.

The development in question is the mounting bi-partisan momentum behind enactment, by the newly convened Congress, of legislation to expand the current “Amber Alert” systems into a new, nationwide program. “Amber Alert” legislation passed the U.S. Senate in October of 2002, but was blocked in the House of Representatives. Now, despite opposition from the National Association of Broadcasters, both Houses of Congress seem to be moving toward passage of “Amber Alert” legislation in 2003.

This foreseeable expansion of the scattered “Amber Alert” systems into a nationwide program will, in turn, almost certainly require the addition of many more TIS/HAR AM radio stations. These TIS/HAR AM stations may, in turn, be vulnerable to interference from the IBOC version of Digital Radio.

Yet today, under the FCC’s Order of October 11, 2002, “interim” IBOC broadcasts are being permitted -- before the FCC’s “service rules” for *regulating* such broadcasts have even been proposed, let alone debated, evaluated and adopted.

Certainly, the new complication of a nationwide Amber Alert program *must* be considered as an important additional factor -- as the Commission assesses the respective Motions to suspend the IBOC approval Order, or dismiss it completely, pending further collection and evaluation of information ... the completion of several pending and directly relevant FCC proceedings ... *and* revision of the currently “arbitrary and capricious” policy of applying strict interference standards to small while setting virtually no restrictions on IBOC interference by large broadcasters.

In addition, deliberations on the GC&A Petition to *expand* the IBOC Order, if that Petition is not dismissed on its face by the Commission, must also take into account the scope, scale and sensitivity to interference of the emerging Amber Alert program.

This is why we have sent this letter. An important, and directly relevant, new development calls for expanding the range of issues to be considered.

As noted earlier, the signatories of this letter include the same 36 institutions and individuals who signed the October 25, 2002 Petition For Reconsideration in this Docket.

In addition, the following person has asked to join the other 36 parties to this letter, *and also* to be listed as a *retroactive party* to the October 25 Petition For Reconsideration:

Reverend Robert P. Chrysafis, KC8GPD
P.O. Box 628
74 Main Street
Apartment #2
Glen Gardner, New Jersey 08826

We note, in closing, that our Petition For Reconsideration was filed 3 months ago today. Given that “interim”, virtually unregulated IBOC broadcasts are already occurring, we hope that the Commission will address our October 25 Petition soon. Otherwise, we will at some point have to regard silence on our Petition as rejection of our Petition -- and seek relief in other forums.

Sincerely,

Don Schellhardt, Esquire

Representing The Following 37 Parties:

THE AMHERST ALLIANCE
Waterbury, Connecticut [Current National Headquarters]

VIRGINIA CENTER FOR THE PUBLIC PRESS
Richmond, Virginia

CITIZENS MEDIA CORP/ALLSTON-BRIGHTON FREE RADIO
Boston, Massachusetts

WILW
Medina, New York [*Formerly* West Hartford, Connecticut]

AURICLE COMMUNICATIONS (Licensee of WFMU and KXHD)
Jersey City, New Jersey

SPRYEX COMMUNICATION
Hamilton, Ohio

JAMRAG MAGAZINE AND GREENHOUSE NEWS
Ferndale, Michigan

BEATRADIO
Minneapolis, Minnesota

KIBP-LP
Padre Island, Texas

CHALK HILL EDUCATIONAL MEDIA, INC. (Licensee of KZQX-LP)
Kilgore, Texas

KBKH-FM
Shamrock, Texas

REC NETWORKS
Mesa, Arizona

THE KIWANIS CLUB OF WEST VISALIA
Visalia, California

ROGUE COMMUNICATION
Lake Forest, Washington

JAMES JASON WENTWORTH
Fairbanks, Alaska

MATTHEW HAYES
Portland, Oregon

JOHN DAVIDSON
La Jolla, California

ROD SEGO
Provo, Utah

KYLE DRAKE
Plymouth, Minnesota

JOHN ANDERSON
Madison, Wisconsin

WILLIAM G. HEBBERT
Bayside, Wisconsin

JOHNATHAN E. GRANT
Kokomo, Indiana

ERICH LOEPKE
Fort Worth, Texas

ROBERT CHANEY
Baton Rouge, Louisiana

STEPHEN C. BRINGHURST
Jacksonville, Alabama

NICKOLAUS E. LEGGETT, N3NL
Reston, Virginia

JOHN ROBERT BENJAMIN
Kane, Pennsylvania [*Formerly* Marienville, Pennsylvania]

WILLIAM H. BEYRER
Chambersburg, Pennsylvania

W. REECE NEWTON
Cleona, Pennsylvania

RICHARD A. SHIVERS, KB3FGJ
Philadelphia, Pennsylvania

REVEREND ROBERT P. CHRYSAFIS, KC8GPD
Glen Gardner, New Jersey

MIKE ERICKSON
North Babylon, New York

GERALD JOHN MEHRAB, WA2FNQ
Northport, New York

KEVIN JOHNSTON
Johnson City, New York

WESLE ANNEMARIE DYMOKE
Providence, Rhode Island

JACK FLANAGAN
Acton, Massachusetts

CC: *John Pavlica, Jr.*

Petitioner: January 13, 2003 Motion To Dismiss

John Wells King, Esquire

Counsel for GLEN CLARK & ASSOCIATES

Petitioner: December 10, 2002 Petition For Reconsideration